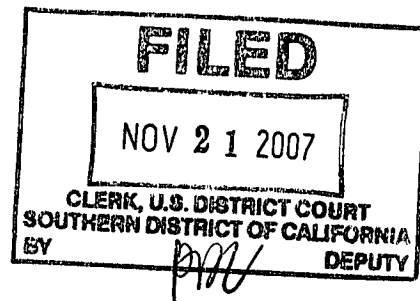


1 Kevin Vanginderen, Plaintiff Pro Per  
2 637 Third Ave., Suite E1  
3 Chula Vista, CA 91910  
4 Telephone: (619) 585-7414



5 UNITED STATES DISTRICT COURT  
6 SOUTHERN DISTRICT OF CALIFORNIA  
7

8 KEVIN VANGINDEREN,  
9 Plaintiff,

10 v.

11 CORNELL UNIVERSITY,  
12 Defendant.

Case No. 07-CV-2045-BTM-JMA

Hon. Barry T. Moskowitz

AFFIDAVIT OF PLAINTIFF KEVIN  
VANGINDEREN IN SUPPORT  
OF PLAINTIFF'S MEMORANDUM OF  
POINTS AND AUTHORITIES  
IN OPPOSITION OF DEFENDANT'S  
MOTION TO STRIKE PLAINTIFF'S  
COMPLAINT

Hearing Date: December 21, 2007  
Time: 11:00 a.m.  
Place: Courtroom 15

16 I, Kevin Vanginderen, declare:

17 1. I am the Plaintiff for the above captioned matter commenced on October 1, 2007,  
18 against Cornell University in the Superior Court of California, County of San Diego, for causes of  
19 action for Public Disclosure of Private Facts and Libel regarding a publication distributed by  
20 Cornell University in 1983, and now for the first time disseminated on the World Wide Web in  
21 2007. I am fully familiar with the procedural facts and circumstances of this matter as set forth  
22 below.

23 2. I attended an undergraduate degree program at Cornell University (Defendant) and  
24 obtained a Bachelor of Science degree between August of 1979, and May of 1983.

25 3. The causes of action stem from an article published in the *Cornell Chronicle* by Cornell  
26 University (Defendant) regarding a single specific incident: an arrest and a single charge brought  
27 against myself in March of 1983.

28 4. The charge was made for the taking of books from a room in a campus academic

1 building. The incident occurred at a cubicle attached to one of my classrooms at that time.

2 5. In August of 1983, all charges brought against me were dismissed in the County Court  
3 of Tompkins County, New York on the basis that the District Attorney had overcharged me for  
4 the circumstances involved. The records were then sealed.

5 6. On August 23, 2007, a conditional discharge was granted to my plea for petit larceny  
6 on a separate Accusatory Instrument for the same incident and I subsequently learned that in 1985  
7 the entire record was sealed.

8 7. The Defendant has never received an Order to Unseal Records at any court to date.

9 8. Until September 2, 2007, I had never seen any copy of, nor had even been aware of the  
10 existence of, the *Cornell Chronicle* or any article within that publication regarding myself.

11 9. I first learned that a libelous article regarding myself was contained within the March  
12 17, 1983, edition of the *Cornell Chronicle* on September 2, 2007, when I conducted an annual  
13 Google search of my name on the Internet.

14  
15 I declare under penalty of perjury under the laws of the State of California, that the  
16 foregoing is true and correct and this AFFIDAVIT was executed this 20<sup>th</sup> day of November, 2007,  
17 in San Diego County, California.

18  
19 DATED: November 20, 2007

20  
21 Respectfully submitted,

22   
23 Kevin Vanginderen  
24  
25  
26  
27  
28

**TABLE OF CONTENTS EXHIBITS**  
**(Local Civil Rule 5.1(e))**

**EXHIBIT 1**

**Internet posting describing the *Cornell Chronicle* .....3,8**

**EXHIBIT 2**

**Internet Posting wherein the *Cornell Chronicle* directs users  
to direct their prospective searches to *Google.com*.....4,10**

**EXHIBIT 3**

***Google.com*. search results posting defamatory and private  
information about the Plaintiff from the *Cornell Chronicle*  
on September 2, 2007, and October 29, 2007.....4,6,11**

**EXHIBIT 4**

***Google.com*. search results for William B. Duke, Cornell University  
Professor charged with Felony Marijuana Cultivation ..... 5**

**EXHIBIT 5**

**Email correspondence from Cornell University Counsel Nelson Roth  
to Kevin Vanginderen dated September 19, 2007..... 7,12,13**

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## Cornell Chronicle/Chronicle Online

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Cornell Chronicle/Chronicle Online (formerly Cornell News Service) is part of the Division of University Communications and serves as the primary source of news about Cornell University. Its publications include the Cornell Chronicle (published 37 times a year), Chronicle Online (updated daily), the Chronicle Magazine and Cornell e-News, as well as podcasts, e-mail lists and RSS feeds.

Chronicle publications cover the university's seven colleges; the four graduate professional schools; Cornell's New York City campuses; the New York State Agricultural Experiment Station in Geneva, N.Y.; Arecibo Observatory in Puerto Rico; Shoals Marine Laboratory on Appledore Island in the Gulf of Maine; and Weill Cornell Medical College in Qatar.

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Appointed to the **Duke** law faculty shortly thereafter, he was named to the **William R. & Thomas S. Perkins Chair of Law** in 1974. **Professor Van Alstyne's ...**

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From: "Nelson E. Roth" <ner3@cornell.edu>

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Sincerely,

Nelson E. Roth

---



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